

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

GABINO GENAO,

Plaintiff,

-v-

CITY OF NEW YORK, C.O. MARSHA LYNCH, C.O.  
DREW WILLIAMS, C.O. ANTHONY MORALES, JR.,  
C.O. SHELDON LYNCH, CAPTAIN KELECIA PHILLIPS,  
C.O. KRISTINA FORD, DR. HO, and CAPTAIN KEISHA  
LEMON,

Defendants.

CIVIL ACTION NO.: 20 Civ. 6507 (DEH) (SLC)

**ORDER**

**SARAH L. CAVE**, United States Magistrate Judge:

The Court is in receipt of Defendants' May 10, 2024 status letter (ECF No. 178) and orders as follows:

1. Defendants' request to continue to hold in abeyance the scheduling of the reopened deposition (the "Deposition") of pro se Plaintiff Gabino Genao ("Mr. Genao") is DENIED. The Court first held in abeyance the scheduling of the Deposition following a discovery conference held on February 15, 2023. (ECF 149). Since that time, Defendants have requested—and the Court has granted—ten extensions of the stay. (ECF Nos. 151, 153, 156, 161, 164, 166, 169, 173, 175, 177). As a result, the completion of discovery in this matter has been delayed by over a year. In addition, in their most recent status letter, Defendants admit that Mr. Genao "wishes to move forward with this litigation" but "admits [that his health] will impact his ability to fully partake in his continued deposition." (ECF No. 178). The Court therefore finds that Defendants'

continued requests to hold in abeyance the scheduling of the Deposition have hindered Mr. Genao's ability to obtain a resolution of his claims.

2. Consistent with the above, and in accordance with Rule 31 of the Federal Rules of Civil Procedure, Defendants shall serve written deposition questions upon Mr. Genao by **Wednesday, June 12, 2024**. By **Monday, July 29, 2024**, Mr. Genao shall respond to Defendant's written questions. Finally, within one week of Mr. Genao's deadline to respond, or by **August 5, 2024**, Defendants shall file a letter advising the Court as to the status of fact discovery in this matter.

Defendants shall promptly serve a copy of this Order on Mr. Genao and file proof of service on the docket by **May 15, 2024**.

The Clerk of Court is respectfully directed to mail a copy of this Order to Mr. Genao.

Dated: New York, New York  
May 13, 2024

SO ORDERED.

  
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**SARAH L. CAVE**  
**United States Magistrate Judge**